

REMARKS

This paper is filed in response to the Office Action mailed April 14, 2010. Claims 77 and 84 have been cancelled without prejudice. Applicants maintain the right to prosecute the cancelled claims in any related application claiming the benefit of priority of the subject application. Accordingly, claims 69, 71 to 76, 78 to 83 and 85 to 87 are under consideration.

Regarding the Interview

Applicants thank the Examiner for the interview held on April 9, 2010, at which time all grounds for rejection were discussed. The amendments to the claims address all outstanding rejections, and are consistent with what the Examiner indicated would lead to an allowance.

Regarding the Amendments

The amendments to the claims were made to address an informality or are supported throughout the specification. In particular, the amendment to claim 78 to depend from claim 76 was made in view of the cancellation of claim 77. The amendment to claim 83 to recite that “acephate is present in an amount of about 97% by weight or more” is supported, for example, by originally filed claims 33 and 36, and the paragraph bridging pages 5 and 6. Accordingly, the amendments do not add new matter and entry thereof is respectfully requested.

I. REJECTION UNDER 35 U.S.C. §112, SECOND PARAGRAPH

The rejection of claims 77 and 78 under 35 U.S.C. §112, second paragraph, as allegedly indefinite is respectfully traversed. The grounds for rejection are set forth at page 2 of the Office Action.

Claim 77 has been cancelled herein without prejudice. Claim 78 has been amended to depend from claim 76. Consequently, the ground for rejection under 35 U.S.C. §112, second paragraph, is moot.

II. REJECTION UNDER 35 U.S.C. §103(a)

The rejection of claims 83, 86 and 87 under 35 U.S.C. §103(a) as allegedly obvious in view of Misselbrook et al. (U.S. 2005/160530) and Losel et al. (U.S. Patent 5,707,638) is respectfully traversed. The ground for rejection is set forth at pages 2-4 of the Office Action.

Claims 83, 86 and 87, as amended, would not have been obvious in view of Misselbrook et al. and Losel et al. at the time of the invention. Consequently, the rejection under 35 U.S.C. §103(a) must be withdrawn.

CONCLUSION


In summary, for the reasons set forth herein, Applicants maintain that the claims clearly and patentably define the invention, respectfully request that the Examiner reconsider the various grounds set forth in the Office Action, and respectfully request the allowance of the claims which are now pending.

If the Examiner would like to discuss any of the issues raised in the Office Action, Applicant's representative can be reached at (858) 509-4065.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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